

REMARKS

In the October 22, 2004 Office Action, the Examiner:

- Provisionally rejected claims 17-48 under 35 U.S.C. 101 as claiming the same invention as copending application 09/777,917;
- Provisionally rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 67-82 respectively of copending application 09/777,917 in view of King et al. (“*King*”, U.S. Pat. No. 5,812,572).

Double Patenting

The Examiner has provisionally rejected claims 17-48 under 35 U.S.C. 101 as claiming the same invention as copending application 09/777,917. Claims 17-48 have been cancelled, thereby making this rejection moot.


The Examiner has also provisionally rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 67-82 respectively of copending application 09/777,917 in view of *King*. Pursuant to 37 CFR 1.321(c), Applicants hereby submit a terminal disclaimer to overcome this provisional rejection. Accordingly, it is respectfully submitted that claims 1-16 are now in condition for allowance.

In light of the cancellation of claims 17-48 and the terminal disclaimer, Applicants respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000 should any issues remain unresolved.

If there are any fees or credits due in connection with the filing of this Response, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 060900-5000-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

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